THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.4047 of 2007

22.3.2007

Between:

Bandi Ranga Reddy, S/o.Changa Reddy
And others

… Petitioners

AND

The District Collector, Chittoor
And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.4047 of 2007

ORDER:

The three petitioners allege that they are owners of agricultural lands in survey Nos.80/1 (Acs.7.58), 80/2 (Acs.4.50), 79/5D (Acs.0.46) and 79/2 (Acs.0.46) situated at Bottireddy Kandriga H/o.Sitarampuram Revenue village of Vadamalapeta Mandal in Chittoor District, having purchased the same under registered sale deeds. They also allege that they dug bore-wells and cultivating the lands by raising paddy and groundnut. The second respondent herein issued notice purportedly under Section 9(3) read with 10 of the Land Acquisition Act, 1894 (the Act, for brevity) requiring the persons mentioned therein to appear before him in the award enquiry. On 09.2.2007 third respondent came along with Mandal Surveyor and others and allegedly asked the petitioners to vacate the land immediately. They filed the present writ petition contending that what was notified was that acquisition of Acs.0.02 in survey No.80/1, Acs.0.89 in survey No.79/5 and Acs.3.06 in survey No.79/2 and other lands were not notified. In this writ petition, they seek a writ of Mandamus declaring the action of the respondents in interfering with the lands of the petitioners as illegal and arbitrary.

After getting instructions, learned Assistant Government Pleader for Revenue (General-A) submits that certain extent of land has been notified for land acquisition for formation of Pidathalakona tank and, therefore, due process of law was not followed, is not correct. He however does not dispute that the lands in survey Nos.80/2, 80/1 and 79/5D were not at all notified for acquisition and only an extent of Acs.0.02 in survey No.80/1, Acs.0.89 in survey No.79/5 and Acs.3.06

in survey No.79/2 was only notified. Therefore, there cannot be any doubt that unless the other lands also notified for acquisition as per law, the petitioners' possession cannot be disturbed. Therefore, this Court observes that except to the extent of the land or survey numbers, which are notified for acquisition in respect of which notices under Sections 9(3) and 10 were issued, the respondents are precluded from interfering with the possession of the petitioners in respect of the other lands. This Court also observes that if for any reason the other lands of the petitioners are required, the respondents have to acquire the same by following due process of law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

March 22, 2007 (**V.V.S.RAO, J**)

NOTE:

Dispatch order copy by 29.3.2007.

(By order)

YS